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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Terry, John B.	Attorney Docket:	0960-017
Serial No:	09/818,378	Examiner:	Not Assigned
Filed:	03/27/2001	Art Unit:	2661
TITLE: Architecture and method for automatic distributed gain control for modem communications over passive multipoint networks.			

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington D.C. 20231

Transmitted herewith is Form PTO/SB/08A providing material that may be relevant to the subject application. These patents were located during preparation of an International Search Report prepared for a PCT application on the same subject matter as the above-identified application. A copy of the search report is included for the convenience of the Examiner. As noted in the search report, each of these three patents was deemed to be type "A" art. The search report finds the entirety of each of these patents to be of interest with respect to the entire pending claim set of PCT claims.

It respectfully requested that these documents be considered by the Examiner and an initialed copy of each form be returned to the undersigned. It is believed that this disclosure complies with the requirements of 37 CFR §§ 1.56, 1.97 and 1.98 and the MPEP § 609. If for some reason the Examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

Submission of these documents is consistent with the broadest interpretation of the duty of disclosure. In accordance with the rule for patent prosecution, such a submission is not to be construed as an admission that the information cited in the Information Disclosure Statement is, or is considered to be, material to patentability as defined in §1.56. Applicant respectfully reserves the right to challenge a conclusion that any of the submitted material represents information constituting prior art to the present application or that the information that applicant has located would be of the type used by one of ordinary skill in the art in solving the problems addressed in the present application. The submission of these materials is consistent with the duty of disclosure and should not be interpreted as an indication that applicant has made a prior art search such that the Examiner should not undertake to conduct an independent prior art search.

Applicant provides the following information to help introduce the Examiner to the cited art. Applicant encourages the Examiner to read the cited art carefully to seek all portions that may be relevant to one or more pending claims.

**US Pat. No. 6,028,860 to Laubach et al.**

While this patent is directed to bi-directional communications with computers over a CATV coax cable inside a home it solves the gain control in a different manner. Figure 7 and the relevant text mention an Amplifier and Automatic Level Control 715. There does not appear to be any teaching of the method of the present application, which involves measurements made at the hub with control signals sent to the client modems to adjust the gain for subsequent upstream transmissions.

**US Pat. No. 6,061,440 to Delaney et al.**

This patent is directed to a system to allow multiple users to conduct a voice conference over standard telephone lines while simultaneously viewing shared slides, graphs, text or other objects. While there is mention of gain control: "Other conference functions can include gain control, whisper sub-conferencing, and a kick out function. Examples of these conference functions are described in more detail herein." (COL 12 lines 4-6). This appears to be related to the gain of the telephone equipment (mute, whisper etc.) and not the gain for the transmitter that is sending the upstream data transmissions.

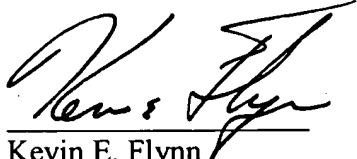
**US Pat. No. 6,212,397 to Langston et al.**

While this patent is directed to a method and system of controlling multipoint stations, it is not a coax tree and branch network. Figure 6 and Col 6 lines 51-63 describe the Automatic Gain Control as measuring the pilot signal strength received at the remote station and then adjusting both the gain of the remote receiver and the gain of the remote transmitter to adjust for the time variable component in signal loss (such as from weather conditions in this wireless system). This patent does not teach or suggest the method and system for gain control of the present application.

Applicant asserts that none of these references alone or in combination with any art of record should be an obstacle to allowing the claims as currently pending.

Dated: September 24, 2001

Respectfully submitted,



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Enclosures

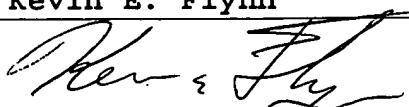
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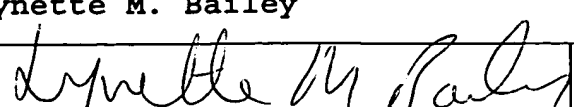
2611

PTO/SB/21 (6-98)		Application Number .	09/818,378	# 3
<b>TRANSMITTAL FORM</b> <small>to be used for all correspondence after initial filing</small>		Filing Date	03/27/01	10/10/01
		First Named Inventor	Terry, John B.	
		Group / Art Unit	Not Assigned	
		Examiner Name	Not Assigned	
Total Number of Patents in This Submission	74	Attorney Docket No.	0960-017	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Cited Art Form PTO/SB/08A Return Receipt Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Kevin E. Flynn	
Signature		Date
		09/24/2001

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:		
Typed or printed name	Lynette M. Bailey	
Signature		Date
		09/24/01

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

**Complete if Known**

Application Number	09/818,378
Filing Date	March 27, 2001
First Named Inventor	Terry, John B.
Group Art Unit	2661
Examiner Name	Not Assigned
Attorney Docket Number	0960-017

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